

REMARKS/ARGUMENTS

This paper is in response to the Final Office Action of March 8, 2006. Applicants thank the Examiner for his careful review of this application. Applicants amend independent claims 1 and 12. The amended claims introduce no new matter and are fully supported by the specification. Accordingly, Applicants respectfully submit that pending claims 1-19 are in condition for allowance.

Obviousness Rejections under 35 U.S.C. §102(e)/103(c)

The Examiner rejected claims 8 and 17 as being unpatentable over Svirchevski et al. in view of Krussel et al. Patent No. 5,723,019. In light of the arguments contained herein, Applicants respectfully request that this rejection be withdrawn.

As a preliminary matter, Applicants submit that under 35 U.S.C. §103(c)(1) “subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e),(f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.” Further under MPEP 706.02(l)(1), “the provision of **35 U.S.C. 103(c)(1)** is effective for all applications pending on or after December 10, 2004, including applications filed prior to November 29, 1999.”

The Applicants reviewed the applicability of 35 U.S.C. §103(c)(1) to the present case in view of the Applicants’ conversation with the Examiner of record on April 11, 2006. Consequently, the Applicants respectfully submit that under §103(c)(1) Svirchevski et al. cannot be utilized as §103 prior art against the Applicants’ claimed invention as Svirchevski et al. was commonly owned with the

Applicants' claimed invention by Lam Research Corporation at the time that the Applicants' claimed invention was made. Without Svirchevski et al., Krussel et al. fails to teach or suggest all the limitations of the Applicants' claimed invention. Accordingly, the Applicants respectfully request that this rejection be withdrawn for claims 8 and 17.

The Examiner rejected claim 14 as being unpatentable over Svirchevski et al. in view of Itzkowitz Patent No. 5,675,856. In light of the arguments contained herein, the Applicants respectfully request that this rejection be withdrawn.

For at least the same reasons as those discussed above, under 35 U.S.C. §103(c)(1) the Svirchevski et al. reference cannot be utilized as prior art against the Applicants' claimed invention. Without Svirchevski et al., Itzkowitz fails to teach or suggest all the limitations of the Applicants' claimed invention. Accordingly, the Applicants respectfully request that this rejection be withdrawn for claim 14.

Anticipation Rejections under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-7, 9-13, 15, 16, 18, and 19 under 35 U.S.C. § 102(e) as being anticipated by Svirchevski et al. Applicants request reconsideration in light of the amendments and remarks contained herein.

In contrast with the recited features in independent claim 1 as amended herein, Svirchevski et al. fails to disclose "delivering a flow of water to the surface of the wafer while the wafer is in the brush box and the cleaning brush is removed from the surface of the wafer" (See Applicants' Claims). Specifically, there is no disclosure in Svirchevski et al. that teaches or suggests water being applied to the wafer surface while the wafer is still in the brush box and while the cleaning brush is not in contact

with the wafer surface. For at least the above reasons, the Applicants respectfully submit that Svirchevski et al. fails to anticipate independent claim 1.

Furthermore, in contrast with the recited features in independent claim 12 as amended herein, Svirchevski et al. does not disclose “rinsing the top surface of the semiconductor wafer with a cleaning fluid while the wafer is in the brush box and the top cleaning brush is removed from the top surface” (See Applicants’ Claims). In particular, Svirchevski et al. fails to disclose applying a cleaning fluid to the top surface of a wafer while the wafer is still residing within the brush box and the top cleaning brush has been removed from the top surface of the wafer. For at least the above reasons, the Applicants respectfully submit that Svirchevski et al. fails to anticipate claim 12.

As independent claims 1 and 12 have now been amended to place them in condition for allowance, dependent claims 2-7, 9-11, 13, 15, 16, 18, and 19 can no longer be deemed anticipated because they recite further limitations off of allowable subject matter. Accordingly, Applicants respectfully submit that claims 1-7, 9-13, 15, 16, 18, and 19 are in condition for allowance.

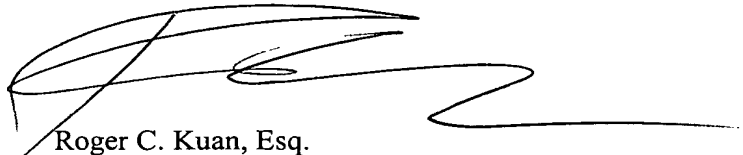
SUMMARY

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact Roger C. Kuan at (408) 744-6927.

If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. LAM1P108D). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP

A handwritten signature in black ink, appearing to read 'Roger C. Kuan', is written over a horizontal line.

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